

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

CRP.No. 915 of 2007()

AGAINST THE ORDER DATED 03/10/2007 IN EA. 53 /2007 IN
OS.152/1996 of SUB COURT, CHERTHALA

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REVN. PETITIONER: JUDGMENT DEBTOR/COUNTER PETITIONER

V.V.JAYARAM,RESIDING AT SEETHA BHAVAN,
MADACKAL,CHERTHALA.

BY ADV. SRI.SUNIL JACOB JOSE

RESPONDENT: DECREE HOLDER/PETITIONER

SUGUTHAN.K.PANICKAR, RESIDING AT RACHANA,
PATTANAKKAD VILLAGE, PATTANAKKAD.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

M.N.Krishnan, J.

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C.R.P.No.915 of 2007

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Dated this the 22nd day of October, 2007.

ORDER

This revision petition is preferred against the order of the Subordinate Judge, Cherthala in E.A.No.53 of 2007 in O.S.No.152 of 1996. The revision petitioner is aggrieved by the order of the Subordinate Judge whereby she ordered attachment of a Benz Car bearing registration No.KL 7G 7887 belonging to the judgment debtor. A perusal of the case records would reveal that the suit is of the year 1996 and the Execution Petition is filed for realisation of the amount.

2. The judgment debtor would contend that he is prepared to pay the amount in instalments and therefore, attachment shall not be proceeded against the Car. The decree amount comes almost to Rs.4,53,000/- and even according to the judgment debtor the only amount that has been paid is Rs.55,000/-. So, when an application is filed for attachment of the movable for the

purpose of realisation of the decree amount by selling the movable, Order 21 Rule 43 envisages a situation where actual attachment has to be made by actual seizure.

3. I do not find any error in the order passed by the court below. In order to enable the judgment debtor to satisfy the decree amount, I direct the court below to defer the actual seizure of the vehicle for a period of six weeks, so as to give a breathing time to the judgment debtor to wipe off the liability to save the vehicle as well as his honour.

Civil Revision Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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